



## **RESPONSE TO DETAILED ACTION OF CLAIM REJECTIONS**

### Applicants Response to Examiners Rejection. Paragraph 1.

The Examiners rejection of all 10 claims is valid, whereas the applicant in the Statement of Claims has mixed the structural description of the device with indefinite and functional or operational language. Also, the format of each claim was not presented in one sentence as required by 35 U.S.C. 112, second paragraph.

### Applicants Plea to Change Said Rejected Claims in Paragraph 1.

I, the applicant, request permission to resubmit an amended claim to be written in the proper format, as specified and required under 35 U.S.C, second paragraph; and to reduce the number of claims submitted from 10 claims to one single claim.

### Applicants Response to Examiners Rejection. Paragraph 2.

The Examiners rejection of claim 1 is valid, whereas the applicant does not clearly define whether the "ring bag device" or the "ring bag method" are claimed.

### Applicants Plea to Change Said Rejected Claims in Paragraph 2.

I, the applicant, request permission to resubmit an amended claim, wherein I will state specifically that the "ring bag device" alone is the subject of this patent application.

### Applicants Response to Examiners Rejection. Paragraph 3.

The Examiners rejection of claim 2 is valid, whereas the action of reloading the ring bag device is not a true claim, but an obvious characteristic of the ring bag device.

### Applicants Plea to Change Said Rejected Claims in Paragraph 3.

I, the applicant, request permission to resubmit an amended claim, wherein the wording in claim 2 of the original filing will be deleted. Said amended claim will contain no reference to reloading the ring bag.

Applicants Response to Examiners Rejection. Paragraph 4.

The Examiners rejection of claim 3 is valid, whereas said applicant described the attributes of the device, but failed to claim the apparatus for which the patent is sought.

Applicants Plea to Change Said Rejected Claims in Paragraph 4.

I, the applicant, request permission to resubmit an amended claim to fully describe the apparatus for which said patent is sought, and further, that the contents of claim 3 in the original filing are to be deleted.

Applicants Response to Examiners Rejection. Paragraph 5.

The Examiners rejection of claim 4 is valid due to the broadness of claims used by the applicant as to the specific size of the steel ring versus different size rings that could be used herein, which renders the claim indefinite under the explanation given by the Board of Patent Appeals and Interferences in Ex parte Wu, 10 USPQ2D 2031, 2033 9BD, Pat App & Inter. 1989, as well as another Patent Office ruling so cited in the same rejection statement.

Applicants Plea to Change Said Rejected Claims in Paragraph 5.

I, the applicant, request permission to resubmit an amended claim, wherein I state the specific physical characteristics of the steel ring used in this application for patent ; and further that the contents of claim 4 in the original filing are to be deleted.

Applicants Response to Examiners Rejection. Paragraph 6.

The Examiners rejection of claim 5 is valid due to the applicant's use of wording that is unclear and does not conform to consistent claim language.

Applicants Plea to Change Said Rejected Claims in Paragraph 6.

I, the applicant, request permission to resubmit an amended claim, wherein the contents of claim 5 in the original filing are to be deleted.

Applicants Response to Examiners Rejection. Paragraph 7

The Examiners rejection of claim 6 is valid due to the applicant's use of printed subject matter such as "specific instructions and helpful hints" that are unpatentable.

Applicants Plea to Change Said Rejected Claims in Paragraph 7.

I, the applicant, request permission to resubmit an amended claim, wherein the contents of claim 6 in the original filing are to be deleted.

Applicants Response to Examiners Rejection. Paragraph 8

The Examiners rejection of claim 7 is valid due to the applicant's use of unclear wording that does not conform to consistent claim language.

Applicants Plea to Change Said Rejected Claims in Paragraph 8.

I, the applicant, request permission to resubmit an amended claim, wherein the contents of claim 7 in the original filing are to be deleted.

Applicants Response to Examiners Rejection. Paragraph 9

The Examiners rejection of claim 8 is valid due the applicant's use of a narrow range limitation followed by a broad range limitation regarding color of the plastic bag to be used and which renders the claim indefinite.

Applicants Plea to Change Said Rejected Claims in Paragraph 9.

I, the applicant, request permission to resubmit an amended claim, wherein I state the specific physical characteristics of the plastic bag used in this application for patent, and further, that the contents of claim 8 in the original filing are to be deleted.

Applicants Response to Examiners Rejection. Paragraph 10

The Examiners rejection of claim 9 is valid, whereas the combination of method and apparatus claim is confusing. Also, the belt clip referred to is not part of the device under which this patent is sought.

Applicants Plea to Change Said Rejected Claims in Paragraph 10.

I, the applicant, request permission to resubmit an amended claim, wherein the contents of claim 9 in the original filing are to be deleted.

Applicants Response to Examiners Rejection, Paragraph 11

The Examiners rejection of claim 10 is valid, whereas printed subject matter such as "Special Instructions and Helpful Hints" are unpatentable.

Applicants Plea to Change Said Rejected Claims in Paragraph 11.

I, the applicant, request permission to resubmit an amended claim, wherein the contents of claim 10 in the original filing are to be deleted.

Applicants Response to Examiners Rejection, Paragraph 12

The examiners rejection of all 10 claims as unpatentable over Seival is not valid for the reasons provided in the applicant's plea in following paragraph.

Applicants Plea to Change Said Rejected Claims in Paragraph 12.

The patent cited under Sieval describes a device called a "Grab", comprised of a metal frame with spring loaded jaws and a bag covering the frame so that animal waste can be picked up from the ground without the hand contacting the waste.

I, the applicant. do not see that there is any resemblance in form or function between the Sieval "Grab" device and this applicant's proposed "Ring Bag " device. Please see the drawings in attached copy of the patent by Sieval, which is included at the end of this section on rejected claims.

Applicants Response to Examiners Rejection, Paragraph 13

The examiners rejection of all 10 claims as unpatentable over Seival and references to Figures 1-3, column 1, line 15; and Figures 4-9, column 1, line 3 is not valid for the reasons provided in the applicant's plea in following paragraph.

Applicants Plea to Change Said Rejected Claims in Paragraph 13

I, the applicant request the examiner to review the drawings in the attached copy of the patent under Sieval, Figures 1 through 9. The device shown therein comprises two rectangular metal frames that are spring loaded to form a clamp, over which a plastic bag is fitted and is then used to grab up animal waste lying on the ground.

I, respectfully ask the examiner to reconsider the differences in physical and functional characteristics between the Sieval device and the Ring Bag device sought in this application.

Applicants Response to Examiners Rejection, Paragraph 14

The examiners rejection of claim 5 over Sieval is not valid, wherein the gauge and weight of the steel ring was not disclosed.

Applicants Plea to Change Said Rejected Claims in Paragraph 14

I, the applicant affirm that the size and weight of the steel ring are critical factors in producing an effective device to use for animal waste collection. The steel ring described in the ring bag device is designed with specific material and dimensions and such steel ring is very expensive to produce except in very large production quantities. Also, the steel ring, as described in this application, is uncommon and not available anywhere on the market for purchase by an individual. Therefore, it is not only impractical but is well beyond the ability of anyone to simply produce such a ring for personal use, even with sufficient prior knowledge of the subject.

Applicants Response to Examiners Rejection, Paragraph 15

The examiners rejection of claim 6 over Sieval is valid, wherein the belt clip should not be considered as a part of said waste collection devices.

Applicants Plea to Change Said Rejected Claims in Paragraph 15

I, the applicant, request permission to resubmit an amended application and claim, wherein any references to the steel belt clip in claim 6 in the original filing are to be deleted.

Applicants Response to Examiners Rejection, Paragraph 16

The examiners rejection of claims 7 and 8 over Sieval is not valid, wherein the dimensions and the material used for the plastic bag are not given.

Applicants Plea to Change Said Rejected Claims in Paragraph 16

I, the applicant, affirm that the size, shape, material and thickness of the bag described in the ring bag device are critical factors in producing an effective device to use for animal waste collection. The bag used must be plastic as opposed to paper and must have a thickness no greater than 1.5 mil. to provide the softness necessary for the bag to slip through the center of the steel ring. Bags of many different sizes, shapes and materials, other than those described in the ring bag device, have been tested and all such tests failed to function properly when used to try to collect animal waste.

Applicants Response to Examiners Rejection, Paragraph 17

The examiners rejection of claim 9 over Sieval is valid, wherein there is no reference to the folded steel belt clip.

Applicants Plea to Change Said Rejected Claims in Paragraph 17

I, the applicant, request permission to resubmit an amended application and claim, wherein any references to the steel belt clip under Claim 9 in the original filing are to be deleted.

Applicants Response to Examiners Criticism, Paragraph 18

The examiners criticism is valid, whereas I, the applicant, am somewhat unfamiliar with patent prosecution procedure. Also, I acknowledge your recommendation to obtain a Patent Attorney for assistance.

Applicants Response to Examiners Criticism in Paragraph 18

As a retired aerospace engineer, I am seeking to prosecute this patent within the requirements of current patent laws and rules to the best of my knowledge and within the means that is affordable to me. Therefore, I respectfully request the examiners assistance to carefully reconsider the merits of this amended application before a final action is given.

**PATENTS REFERRED TO AS PRIOR ART**

Patents referred to as prior art made of record and not referred to are US-5222777, JP-2002142596, US-670349 and JP-200204507.

Applicants Response to Patents Referred to as Prior Art

(A) Patent No. US-522277 under Clonch. Title: Apparatus for Picking up Objects. This device is designed for picking up animal excrement from the ground. The device is comprised of a plastic bag within a rigid sheath in which the hand is inserted and whereby objects can be picked up without touching the feces as the bag is turned inside out. This patent does not resemble the Ring Bag device in any form or function.

(B) Patent No. P-2002142596 under Yamamoto. Title: Tool for Treating Dung of a Dog. This device is comprised of a ring, a handle and a bag with hooking holes to fit the claws attached to the ring to hold the bag. This patent does not resemble the Ring Bag device in any form or function.

(C) Patent No. US- 6702349 under Clements. Title: Apparatus for Collecting Animal Waste. This device uses a handle with end mounted scoop and a plastic bag to catch the animal feces. There is no description of how the bag is secured to the ring. This device

also describes a hook on the handle to carry the plastic bag with feces. This feature is totally unnecessary. This device is difficult to manipulate and does not resemble the ring bag device in any form or function.

(D) Patent No. JP-2002045072 under Koji. Title: Feces Catching Device for Dog. This device is comprised of a metal ring with hooks to secure the plastic bag to catch the animal feces and an adjustable pole to accommodate the operator in reaching behind the dog. This device is difficult to operate and not practical for collecting waste from a dog while walking the dog. This patent does not resemble the Ring Bag device in any form or function.

**ATTACHMENT DRAWINGS FOR REFERENCE:**

See attached copies consisting of three pages of drawings from patent under Sieval, Patent No. NL8802356A, provided for reference.